

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Henry Bannister

RECEIVED
SDNY DOCKET UNIT
2018 DEC 10 PM 4:00

(In the space above enter the full name(s) of the plaintiff(s).)

18 CV 11546
COMPLAINT

-against-

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

P.O. Marvin Luis (SEE ATTACHED, pg.1)

P.O. Ryan Giuffre

P.O. John Bartek

P.O. Blas Colon

P.O. Thomas Rodriguez

NYPD Commissioner, Deputy Commissioner,

Acting NYPD Supervisor, Lieutenant of

83rd Precinct: All are sued in official

& individual capacity, injunctive decla

-tory relief requested.

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Henry Bannister
ID # 113-160-1091
Current Institution North Infirmity Command (N.I.C.)
Address 1500 Hazen Str.
E. Elmhurst, New York, 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Marvin Luis Shield # 16926
Where Currently Employed NYPD/formally 83rd Precinct
Address 480 Knickerbocker Ave.
BKLYN, New YORK 11221

(ATTACHMENT TO pg. # 1)

P.O. John Doe

Defendant No. 2 Name Ryan Giuffre Shield # 05386
Where Currently Employed NYPD/formally 83rd Precient
Address 480 Knickerbocker Ave,
BKLYN, New York, 11221

Defendant No. 3 Name John Bartek Shield # 5694
Where Currently Employed NYPD/formally 83rd Precient
Address 480 Knickerbocker Ave,
BKLYN, New York, 11221

Defendant No. 4 Name Blas Colon Shield # _____
Where Currently Employed NYPD/ formally 83rd Precient
Address 480 Knickerbocker Ave,
BKLYN, New York, 11221

Defendant No. 5 Name Thomas Rodriguez Shield # _____
Where Currently Employed NYPD/formally 83rd Precient
Address 480 Knickerbocker Ave,
BKLYN, New York, 11221

(SEE ATTACHED)

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
Brooklyn, New York, 11221

B. Where in the institution did the events giving rise to your claim(s) occur?
996 Willoughby Ave.

C. What date and approximate time did the events giving rise to your claim(s) occur?
May 24, 2016; 5:00(pm)

(ATTACHMENT TO pg. # 2)

Defendant No. 6 Name: John Doe (Transportation Officer)
Where Currently Employed: NYPD/83rd Precient
Address: 480 Knickerbocker Ave,
BKLYN, New York, 11221

D. Facts: (see Statement of Facts, contained within Notice of Claim , [Exhibit 1, provided in attachment])

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Police Misconduct; Abuse of Authority; Conspiracy to Violate Due Process Rights; Sham Prosecution; Fraud; Filing False Affidavit; Perjury; Failure to Properly Investigate; Train, Policy Consideration in Arrest Procedure & Prosecution, Brady Violations under 4th, 5th, and 14th Amendments of the United States Constitution (U.S. Const. Amend. IV, V, XIV).

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No x



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Form Version: NYC-COMPT-BLA-PII-1M

Personal Injury Claim Form

Claim must be filed *in person or by registered or certified mail within 90 days of the occurrence* at the NYC Comptroller's Office, 1 Centre Street, Room 1225, New York, New York 10007. It must be *notarized*. If claim is not resolved within 1 year and 90 days of the occurrence, you must start legal action to preserve your rights.

TYPE OR PRINT

I am filing: ☒ On behalf of myself.

☐ On behalf of someone else. If on someone else's behalf, please provide the following information.

Last Name:

Bannister

First Name:

Henry

Relationship to the claimant:

-SELF-

Claimant Information

*Last Name:

Bannister

*First Name:

Henry

Address:

1500 Hazen, Str.

Address 2:

300 Leland, Str. [see - Attached]

City:

E. Eijmhurst,

State:

New York

Zip Code:

11370

Country:

U.S.

Date of Birth:

11/12/66

Format: MM/DD/YYYY

Soc. Sec. #

HICN:

(Medicare #)

Date of Death:

Format: MM/DD/YYYY

Phone:

Email Address:

Occupation:

City Employee? ☐ Yes ☒ No ☐ NA

Gender

☒ Male ☐ Female ☐ Other

☐ Attorney is filing.

Attorney Information (If claimant is represented by attorney)

Firm or Last Name:

Firm or First Name:

Address:

Address 2:

City:

State:

Zip Code:

Tax ID:

Phone #:

Email Address:

NYC COMPTROLLER SYSTEM
BIR INFORMATION FACILITY
GENERAL RECEIVED
2018 OCT -2 P 2:16

(Attachment to pg.#1 PICF)

CLAIMANT INFORMATION

ADDRESS 2: apt. #17;
Spartanburg, SC. 29303



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

The time and place where the claim arose.

*Date of Incident: **May 24, 2016** Format: MM/DD/YYYY

Time of Incident: **4-5:00 p.m.** Format: HH:MM AM/PM

*Location of Incident:

**988- 986 Willoughby, AVE.
BKLYN, N.Y. 11221**

Address:

Address 2:

City:

State:

Borough:

480 Knickerbocker Ave..

83rd Precient

New York

New York

BKLYN

*Manner in which claim arose:

Attach extra sheet(s) if more room is needed.

(see, Attached : STATEMENT OF FACTS, 1 -11)

The items of damage or injuries claimed are (include dollar amounts):

Attach extra sheet(s) if more room is needed.

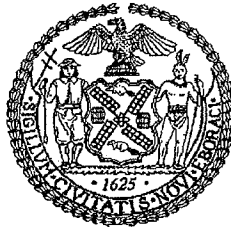
Police Misconduct, Abuse of Authority, Conspiracy to Violate Due Process, Sham Prosecution, False Arrest, Malicious Prosecution, Fraud, Filing False Affidavit, Perjury, Failure to Properly Investigate, Train, Policy Consideration in Arrest Procedure & Prosecution, Brady Violations under 4th, 5th, and 14th Amendments of the United States Constitution (U.S. Const. Amend, IV, VI, XIV). Requesting Punitive Damages to the amount: \$1,000,000.

* Denotes required field(s).

STATEMENT OF FACTS

On May 24, 2016, while in the process of legally parking on Willoughby Avenue (BKLYN, N.Y.) the Petitioner (Henry Bannister), whom is in the drivers seat of a 2016 Hyundai Santa Fe (Enterprise Rental) with Tennessee license plates (X2617K), along with co-defendant (Tashaun Canty), whom is sitting in the front seat passenger. Looks up to see a un-marked Police Mini Van slowly passing by, looking in the defendants direction, knowing that they (said defendants) were not doing anything wrong, while completing the task at hand which was to make sure not to hit the automobile at his immediate rear. Completing his parking, did the Petitioner look up to see a plain clothes officer (P.O. Luis) running pass the front of his vehicle, acknowledging him to be a Police by the badge swinging from his neck, did said officer proceed to the passenger door of the rental car. After the unprovoked approach by said officer, is the passenger side door aggressively snatched open and the passenger within the vehicle forcefully removed (see, Exhibit 1, People v Duran, 2016 NY Slip Op 503723(U), Decided on May 9, 2016, Supreme Court, Kings County, by presiding part judge, Hon. J. Shillingford. [H1:115-16]). The Petitioner whom is startled by what just accured, failed to notice the officer (P.O. Giuffre) tapping at the drivers side window. Acknowledging said officer, whom is indicaticating for said Petitioner to let down his window. Doing as is requested, do said officer then demandes that the Petitioner turn the car off and hand over his drivers license and registration. Informing said officer that the vehicle in question

being arental and instead of a registration, he had a Rental Cont
-ract. Handing the officer the requested information from the sun
-viser over head, does the Petitioner notice the officer whom was
on the passenger side in the manner before mentioned. Now escorti
-ng the passenger whom is in handcuffs, to a dark un-marked sedan,
sitting approximately (based on information and belief) 85 feet
before the Petitioners rental vehicle (see, Re-opened Suppression
Hearing, transcripts inwhich Prosecuting A.D.A., Krystyl Tendency,
testifies to, thus making herself a witness to the fact reflected
in the above), the exact location of the fire hydrant soon to be
brought into scope. After placing said newly arrested defendant
inside, then speakeing a few words to the officer therein said ve
-hicle (John Doe) before it pulls away with said defendant in tow,
and officer Luis returnes. It being at that time that the driver
side officer asks the Petitioner if he has anything on his person
or in the vehicle that would cause him harm? To let him know now!
Informing said officer that it was not, does said officer further
instructes the Petitioner to step out of the vehicle. Doing as di
-rected is the Petitioner then pat frisked and the area within the
vehicle inwhich he sat, briefly inspected, either, without incide
-nt (see, Grand Jury Hearing, transcripts, page 8, lines 22-25,
page 9, lines 1 - 6;). The Petitioner is then escorted to the rear
of the Hyundai, where he is furtherinterrogated. It being at that
time that P.O. Luis whom is just returning from placing the passen
-ger of the rental into the un-marked sedan in the manner previous
-ly discussed, whom inters the defendants rental car and begins to
search (this takes place contrairy to the testimony reflected in
the above by P.O. Giuffre while at the Grand Jury Hearing, thus



THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER
1 CENTRE STREET, NEW YORK, N.Y. 10007-2341

Scott M. Stringer

COMPTROLLER

Date: October 03, 2018

RE: Defective Service

HENRY BANNISTER
1500 HAZEN ST
E ELMHURST, NY 11370

Dear Claimant:

We regret to inform you that your Notice of Claim is being rejected and returned to you because it was not served upon the City of New York in compliance with the provisions of General Municipal Law 50-e.

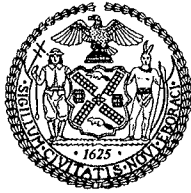
General Municipal Law 50-e provides that service of the Notice of Claim must be completed by delivering a copy thereof personally, or by registered or certified mail, to the Office of the Comptroller or the New York City Law Department. Alternatively, proper service can be effectuated by submission of the Notice of Claim through the Office of the Comptroller's website or by service through the New York State Secretary of State.

If you wish to pursue your claim against the City, you may file your Notice of Claim by a proper method of service within 10 days of receipt of this letter.

Thank you.

Very truly yours,

Bureau of Law & Adjustment



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
CLAIMS AND ADJUDICATIONS
1 CENTRE STREET ROOM 1200
NEW YORK, N.Y. 10007-2341

WWW.COMPTROLLER.NYC.GOV

015 - 151

Scott M. Stringer
COMPTROLLER

Date: 10/31/2018
Claim No: 2018PI028368
RE: Acknowledgment of Claim
Your Claim/Policy#:

HENRY BANNISTER 113-160-1091
1500 HAZEN ST
E ELMHURST, NY 11370

Dear Claimant:

We acknowledge receipt of your claim, which has been assigned the claim number shown above. Please refer to this claim number in any correspondence or inquiry you may have with our office.

We will do our best to investigate and, if possible, settle your claim. However, if we are unable to resolve your claim, **any lawsuit against the City must be started within one year and ninety days from the date of the occurrence.**

If you have any questions regarding your claim, you may contact us at 212-669-2478 for claims involving personal injury.

Sincerely,

Bureau of Law & Adjustment



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Form Version: NYC-COMPT-BLA-PI1-M

Personal Injury Claim Form

Claim must be filed *in person or by registered or certified mail within 90 days of the occurrence* at the NYC Comptroller's Office, 1 Centre Street, Room 1225, New York, New York 10007. It must be *notarized*. If claim is not resolved within *1 year and 90 days of the occurrence*, you must start legal action to preserve your rights.

TYPE OR PRINT

I am filing: ☒ On behalf of myself.

☐ On behalf of someone else. If on someone else's behalf, please provide the following information.

Last Name: **Bannister**
First Name: **Henry**
Relationship to the claimant: **-SELF-**

Claimant Information

*Last Name: **Bannister**
*First Name: **Henry**
Address: **1500 Hazen, Str.**
Address 2: **300 Leland, Str. [see - Attached]**
City: **E. Eijmhurst,**
State: **New York** ☐
Zip Code: **11370**
Country: **U.S.**
Date of Birth: **11/12/66** Format: MM/DD/YYYY
Soc. Sec. #:
HICN:
(Medicare #)
Date of Death: Format: MM/DD/YYYY
Phone:
Email Address:
Occupation:
City Employee? ☐ Yes ☒ No ☐ NA
Gender ☒ Male ☐ Female ☐ Other

☐ Attorney is filing.

Attorney Information (If claimant is represented by attorney)

Firm or Last Name:
Firm or First Name:
Address:
Address 2:
City:
State: ☐
Zip Code:
Tax ID:
Phone #:
Email Address:

(Attachment to pg.#1 PICF)

CLAIMANT INFORMATION

ADDRESS 2: apt. #17;
Spartanburg, SC. 29303

STATEMENT OF FACTS

On May 24, 2016, while in the process of legally parking on Willoughby Avenue (BKLYN, N.Y.) the Petitioner (Henry Bannister), whom is in the drivers seat of a 2016 Hyundai Santa Fe (Enterprise Rental) with Tennessee license plates (X2617K), along with co-defendant (Tashaun Canty), whom is sitting in the front seat passenger, Looks up to see a un-marked Police Mini Van slowly passing by, looking in the defendants direction, knowing that they (said defendants) were not doing anything wrong, while completing the task at hand which was to make sure not to hit the automobile at his immediate rear. Completing his parking, did the Petitioner look up to see a plain clothes officer (P.O. Luis) running pass the front of his vehicle, acknowledging him to be a Police by the badge swinging from his neck, did said officer proceed to the passenger door of the rental car. After the unprovoked approach by said officer, is the passenger side door aggressively snatched open and the passenger within the vehicle forcefully removed (see, Exhibit 1, People v Duran, 2016 NY Slip Op 502723(U), Decided on May 9, 2016, Supreme Court, Kings County, by presiding part judge, Hon. J. Shillingford. [H1:115-16]). The Petitioner whom is startled by what just accured, failed to notice the officer (P.O. Giuffre) tapping at the drivers side window. Acknowledging said officer, whom is indicaticating for said Petitioner to let down his window. Doing as is requested, do said officer then demandes that the Petitioner turn the car off and hand over his drivers license and registration. Informing said officer that the vehicle in question

being arental and instead of a registration, he had a Rental Cont
-ract. Handing the officer the requested information from the sun
-viser over head, does the Petitioner notice the officer whom was
on the passenger side in the manner before mentioned. Now escorti
-ng the passenger whom is in handcuffs, to a dark un-marked sedan,
sitting approximately (based on information and belief) 85 feet
before the Petitioners rental vehicle (see, Re-opened Suppression
Hearing, transcripts inwhich Prosecuting A.D.A., Krystyl Tendency,
testifies to, thus making herself a witness to the fact reflected
in the above), the exact location of the fire hydrant soon to be
brought into scope. After placing said newly arrested defendant
inside, then speakeing a few words to the officer therein said ve
-hicle (John Doe) before it pulls away with said defendant in tow,
and officer Luis returnes. It being at that time that the driver
side officer asks the Petitioner if he has anything on his person
or in the vehicle that would cause him harm? To let him know now!
Informing said officer that it was not, does said officer further
instructes the Petitioner to step out of the vehicle. Doing as di
-rected is the Petitioner then pat frisked and the area within the
vehicle inwhich he sat, briefly inspected, either, without incide
-nt (see, Grand Jury Hearing, transcripts, page 8, lines 22-25,
page 9, lines 1 - 6;). The Petitioner is then escorted to the rear
of the Hyundai, where he is furtherinterrogated. It being at that
time that P.O. Luis whom is just returning from placing the passen
-ger of the rental into the un-marked sedan in the manner previous
-ly discussed, whom inters the defendants rental car and begins to
search (this takes place contrairy to the testimony reflected in
the above by P.O. Giuffre while at the Grand Jury Hearing, thus

not only is the defendant (Tashaun Canty) already arrested and on his way to the precinct, but according to the Grand Jury testimony just illustrated in the above by said officer, the defendant's vehicle was already searched without incident. Nonetheless, after 2 - 3 minutes into the search by Officer Luis, after placing the said passenger into the transportation vehicle earlier mentioned, does said officer call out some sort of coded number to Officer Giuffre whom is speaking to the Petitioner at the rear of the rental car. Upon hearing his partner does the questioning officer immediately spins the Petitioner around and handcuffs him, he is then escorted to the to the un-marked sedan which transported the arrested passenger about 15 minutes earlier, and which must have returned while the Petitioner was speaking with P.O. Giuffre prior to the arrest, it (transportation Vehicle) being parked at the same location before it left (near fire hydrant). It being at this time while being escorted to the un-marked sedan that the Defendant's nephew enters the block and notices his uncle under arrest and being taken into custody, and begins to approach. However, said officers noticing this, in their haste to get the defendant into the waiting transportation car and off the scene, shoves the Petitioner into said vehicle and in the process locking themselves out. After some several minutes that it took said Petitioner to unlock the doors with his hands cuffed behind his back, is he then transported to said precinct by the uniformed transportation officer. While at the Precinct and in the process of being fingerprinted by P.O. Luis, does the defendant ask said officer is the money inside of his luggage bag safe and can he have his sister come to the Precinct and pick it up. Obviously, taking (unintentional) offense to the defendant's comment an request, does said officer respond by stating "We don't want

your fucking dope money, after were finish with you, getting that money back would be the least of your problems (see, Exhibit 2 and 3, Property Clerk Invoice, No.# 3000670689, 3000670690, as well as Exhibit 4, Kings County Supreme Court Term (index, no.# 2452/17) Return To Chatter Claim. After completing the finger printing does the Petitioner request a phone call as is illustrated by a sign on the wall which reflect this as normal procedure after finger-printing has been completed. However, the defendant is instead hand cuffed tightly behind his back and escorted to a section of the precient where he has to climb a steep stair case, which poses a problem for the defendant whom is a bilateral Prohstesis wearer, so instead of going up the stairs like a person with two legs, the defendant had to be led up the stairs by the handcuffs, because of the steep angle of the stairs to keep fromm falling. Completing this task after some five minutes, the defendant is then led to a room where he is read his Miranda Rights before being led back down the said stair case, and placed in a cell with the hancuffs still behind his back. He is left in this position so long until there was no circulation in his hands or arms. It was not until a change of shift, some several hours later, and the defendant in tears that the cuffs were removed.

On May 25, 2016, said defendant is taken to the Kings County Criminal Courthouse (Docket, no.# 2016KN031330), where it is that the Petitioner learns that the passenger of the rental is released after pleading guilty to misdemeanor marijuana possession and is released.

However, the Petitioner is chaged with the following:

PL 200.03 Bribery In The Second Degree
 PL 200.00 Bribery In The Third Degree
 (while at 480 Knickerbocker Ave/83rd Precient)

PL 265.03 (3) Criminal Possession Of A Weapon In The Second Degree
 PL 265.02 (1) Criminal Possession Of A Weapon In The Third Degree

PL 265.01-B(1) Criminal Possession Of A Firearm
PL 265.01(1) Criminal Possession Of A Weapon In The Fourth Degree
AC 10-131 (I)(3) Possession Of Pistol Ammunition

he is then remanded to the custody of the Department Of Correctios.

Thenon May 27, 2016, while at the Grand Jury Hearing proceedings, the Petitioner is released on ROR, and is given a stipulation (Altern-ative To Incarceration) that provided he stays out of trouble for six months, the pending charges from the May 24, 2016, arrest would be dismissed. The Petitioner was then given a returne date of December 7, 2016, and released.

On September 29, 2016 said Petitioner is re-arrested based upon un-related subsequent offense (for which he is again ROR'd, on October 4, 2016, and is given a returne date of March 31, 2017),.

However, on October 3, 2016, while already incarcerated for the subsequent offense in the manner previously reflected in the above, while unaware of the events reflected in the following, is the Petitioner True Billed indicted by a Kings County Criminal Court Grand Jury (4562/2016), for the prior offense, which is done without allow-ing said Petitioner the opportunity to excersize his statutorial right to testify to testify at said proceeding, as he was given this opportunity at the time he was given the ATI (5-27-16), as reflected above. The newly Grand Jury indicted offenses now reflecting:

PL 265.03 (3) Criminal Possession Of A Weapon In The Second Degre.
Pl 265.01-b(1) Criminal Possession Of A Firearm
PL 265.01 (1) Criminal Possession Of A Weapon In The Fourth Degree
PL 221.05 Unlawful Possession Of Marijuana (Newly Added 10-03-16)

Based upon the defendants information and belief, the indicted offenses reflected in the above being the product of a Grand Jury

which founded reasonable suspicion for the arresting officers to approach the defendants vehicle alledgedly for the purpose of inquiring why the defendants were parked on a fire hydrant, based upon the testimony of testifying officer (P.O. Giuffre) whom rendered the following testimony while under the oath of perjury while at the Oct 3, 2016, Graand Jury proceedings, as is reflected by proceeding part transcripts (G.H.J., Trans, pg. 7, lines 10 - 18) as depicted in the following:

Q. While your driving on Willoughby street at that time, what did you observe?

A. Upon observing a car parked on a fire Hydrant.

Q. We drove past it, We stopped, and went into reverse. We parked slightly behind the car, let them know that they are parked on a fire hydrant, which is illegal.

However, based upon information and belief, prior to the testimony of arresting officer given at the Grand Jury proceeding mentioned in the above. The earlier accounts of the events leading up to the arrest of the defendants , as illustrated by the records of both arresting officers (in which the Petitioner wishes to call into scope): Felony Complaint, Scratch Sheet, Memo Books, DD5, Grand Jury Synopsis Sheet, KCDA ECAB Sheet, etc., would all fail to indicate and/or mention the defendants being parked at, on or in the vacinity, opposite or before 988 or 986 Willoughby Ave. Infact, what those records would reflect is continual inconsistencies and variances in the officers statements and testimonies, from the inception of the arrest on to each stage of the following criminal proceedings. For example:

- 1) There is the Grand Jury Synopsis Sheet which alleges therein that the defendants are seen sitting in a double parked car.
- 2) That account however is contradicted by the Grand Jury testimony previously illustrated.
- 3) Then there is the KCDA ECAB Sheet at paragraph TPO 1, in which mentions that the defendants are seen sitting in a parked car (this account is what is conveyed to the screener [Mr. Nurcan Turkman], an officer of the court working out of the BKLYN, D.A.'s office, and whom conducted the telephone interview the day after the arrest May 25, 2016 (see, Exhibit 5).

Next is the marijuana issue, which is used by said officers to establish Probable Cause to search the interior of the defendants' rental car (see, G.J.H. Trans, pg. 11, lines 18 - pg. 12, line 20) as reflected in the following manner:

A. As we approach the car, it was smelling like marijuana. So, at that point, we were just talking to both defendants in the vehicle. We asked them to step out of the car; if they had anything in the car we should be aware about for our safety.

At that point, we started our search of the vehicle. I was to Bannister. Officer Luis was talking to Canty. At that point, they brought Canty back to the rear of the vehicle. That's where I brought Bannister, I was talking to both of them at the time.

Q. Now, did you hear anything at the time?

A. Yes. At the time when I was talking to both defendants in the rear of the vehicle, I heard officer Luis say ninety--two, which means put hand cuff's on both defendants.

Q. Did you observe anything in the vehicle?

A. Yes.

Q. Whay was that?

A. It was a metal object.

at this stage of the Grand Jury proceeding, there is no mention of marijuana mentioned other then the testifying officer allegedly smelling it while approaching the defendants vehicle, which had its windows closed at the time of the approach. However, the defendant is indicted and the marijuana charge is newly added in the manner previously illustrated. Nonetheless!

On September 19, 2017, while at the Kings County Supreme Court, Criminal Term Part (28/29) before presiding part Judge (Hon. C, Mullen), it is this time, based on the Petitioners information and belief (and which the defendant wishes to call into scope for evidentiary purposes, the transcripts of said proceeding), that testify -ing arresting officer both render testimony while under the oath of perjury, that a marijuana cigarett/cigar is observed in plain view, near, on or in a cup holder, near the center console within the defendants vehicle,also alleged at this time is a small zip lock baggy which also contained marijuana, which neither officer at the time of this hearing can recall where or from which of the defendant -s said baggy came from. However, and contrairy to the testimony of the arresting officers reflected in the above, page 3, of the KCDA - ECAB Sheet, Property Recovered section, no.# 8 (Exhibit,6), which would indicate that the alleged marijuana, being recovered by arrest -ing officer Marvin Luis from the person of said passenger of the rental car, said officer also vouchers said evidence as well. It is also revealed while at this hearing that the marijuana alleged to have been smelled on the outside of the defendants vehicle, is un-

burned. At the conclusion of the Suppression Hearing is both contesting counselors requested by the Court to submit supporting written argument.

On November 1, 2017, does representing defense attorney submit his Affirmation And Memorandum Of Law In Support Of Motion To Suppress Evidence (see, Exhibit 9), therein arguing amongst many, that not only was the defendant not parked at, on or adjacent to a fire hydrant (neither opposite or before 988 or 986 Willoughby Avenue), but also "given the inconsistencies, evasive, self contradictory nature of the officers hearing testimonies, much of which is manifestly untrue, contrary to experience and tailored to nullify constitutional objections, defendants submitted that the Court should reject as incredible and unbelievable."

November 29, 2017, does A.D.A. (Krystyn Tandy) submit her Affirmation In Support Of Peoples Opposition To Suppress Evidence. Therein, arguing amongst many and obviously overwhelmed by the many inconsistencies within the testimonies of the arresting officers, thus, relies upon one of the many inconsistencies mentioned in the above, to base her argument upon, which is that "the defendants are observed double parked (see, Grand Jury Synopsis Sheet), testimony which is contradicted by the Grand Jury testimony of the arresting officer in the manner previously reflected in the above.

February 14, 2018, while awaiting a decision from the Suppression Court, does representing attorney for the defendant, file with said Court : A Notice Of Motion To ReOpen The Suppression Hearing; based up-

on Newly Discovered Evidence, provided by the defendant whom after the excersize of his own due dilligence, provided defense counsole with the exculpatory material (see, Exhibit 10 a,b,c,d),which not only fatally rebutts the claims alleged by arresting officers whom while under the oath of perjury, made false accusations within their Police records regarding the arrest of the defendant, but also to the A.D.A and following hearings in the manner previously reflect-ed in the above.

May 23, 2018, (some eight months after the initial Suppression Hearing being held, and another ninety days after the defendants Motion to reopen said hearing, which based upon the defendants infor-mation and belief was approved by the Court, sometime in April) a City Ordonence was held for the purpose of confirming the actuall location of the fire hydrant in question. At which time, it is con-firmed that the location of the fire hydrant is before 973 Willough-by Avenue and not before and /or opposite 988 Willoughby Avenue, a distance of over 85 feet (as is confirmed by Prosecuting A.D.A., Krystyn Tendy, whom testified to said information, thus, making her-self a witness to said claim [Note, see, Court records of said pro-ceeding]) and which confirmed not only the evidence illustrated by the defendants photo's supplied by Google Earth, but also support-ing his claim given trom the start, that they were never parked at, on/or in the vacinity of a fire hydrant. And that arresting officers neverhad reasonable suspicion or probable cause to approach their vehicle or search them or their property therein. In reference to said officers earliest claim reflected in their reports that "the defendants were observed sitting in their vehicle.

Nonetheless, based upon the Petitioners information and belief, August 2018, said presiding part Judge, Supressed the evidence alleged within indictmentn no.# 4562/16. Then in:

September 2018, the indictment reflected in the above, was completely dismissed...



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

The time and place where the claim arose

*Date of Incident: **May 24, 2016** Format: MM/DD/YYYY
Time of Incident: **4-5:00 p.m.** Format: HH:MM AM/PM

*Location of Incident:

**988- 986 Willoughby, AVE.
BKLYN, N.Y. 11221**

Address:

480 Knickerbocker Ave.

Address 2:

83rd Precient

City:

New York

State:

New York

Borough:

BKLYN

*Manner in which claim arose:

(see, Attached : STATEMENT OF FACTS, 1 -11)

Attach extra sheet(s) if more room is needed.

The items of damage or injuries claimed are (include dollar amounts):

Attach extra sheet(s) if more room is needed.

Police Misconduct, Abuse of Authority, Conspiracy to Violate Due Process, Sham Prosecution, False Arrest, Malicious Prosecution, Fraud, Filing False Affidavit, Perjury, Failure to Properly Investigate, Train, Policy Consideration in Arrest Procedure & Prosecution, Brady Violations under 4th, 5th, and 14th Amendments of the United States Constitution (U.S. Const. Amend, IV, VI, XIV). Requesting Punitive Damages to the amount: \$1,000,000.

* Denotes required field(s).



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Medical Information

1st Treatment Date:		Format: MM/DD/YYYY
Hospital/Name:		
Address:		
Address 2:		
City:		
State:		<input type="button" value="v"/>
Zip Code:		
Date Treated in Emergency Room:		Format: MM/DD/YYYY

Was claimant taken to hospital by an ambulance? ☐ Yes ☐ No ☐ NA

Employment Information (If claiming lost wages)

Employer's Name:	
Address	
Address 2:	
City:	
State:	<input type="button" value="v"/>
Zip Code:	
Work Days Lost:	
Amount Earned Weekly:	

Treating Physician Information

Last Name:	
First Name:	
Address:	
Address 2:	
City:	
State:	<input type="button" value="v"/>
Zip Code:	



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Witness 1 Information

Last Name: NYC Police Dept. Head-
First Name: quarters/Commissioner,
Address: 1 Police Plaza,
Address 2:
City: New York
State: N.Y.
Zip Code: 10038

Witness 2 Information

Last Name: NYC Police Dept. Head-
First Name: quarters/Deputy Commiss.
Address:
Address 2: 1 Police Plaza,
City: N.Y.
State: New York
Zip Code: 10038

Witness 3 Information

Last Name: Supervising Lieutenant
First Name: 83rd Precinct
Address: 480 Knickerbocker, AVE.
Address 2:
City: BKLYN
State: N.Y.
Zip Code: 11221

Witness 4 Information

Last Name: Giuffre
First Name: Ryan
Address: 83rd Precinct
Address 2: 480 Knickerbocker, AVE.
City: BKLYN
State: N.Y.
Zip Code: 11221

Witness 5 Information

Last Name: Rodriguez
First Name: Thomas
Address: 83rd Precinct
Address 2: 480 Knickerbocker, AVE.
City: BKLYN
State: New York
Zip Code: 11221

Witness 6 Information

Last Name: Bartek
First Name: John
Address: 83rd Precinct
Address 2: 480 Knickerbocker, AVE.
City: BKLYN
State: N.Y.
Zip Code: 11221

(see, Attachment to pg.#4, PICF)

(ATTACHMENT to pg.#4 PICF)

Witness 7 Information :

COLON

BIAS

83rd Precient

480 Knickerbocker, AVE.

BKLYN

N.Y.

11221

Witness 8 Information :

Hutchinson

Kevin

83rd Precient

480 Knickerbocker, AVE.

BKLYN

N.Y.

11221

Witness 9 Information:

Doe

John

83rd Precient

480 Knickerbocker, AVE



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Complete if claim involves a NYC vehicle

Owner of vehicle claimant was traveling in

Last Name:
First Name:
Address:
Address 2:
City:
State:
Zip Code:

Insurance Information

Insurance Company Name:
Address:
Address 2:
City:
State:
Zip Code:
Policy #:
Phone #:

Description of claimant:

☒ Driver ☐ Passenger
☐ Pedestrian ☐ Bicyclist
☐ Motorcyclist ☐ Other

Non-City vehicle driver

Last Name:
First Name:
Address:
Address 2:
City:
State:
Zip Code:

Non-City vehicle information

Make, Model, Year of Vehicle:
Plate #:
VIN #:

City vehicle information

Plate #:

City Driver Last Name:
City Driver First Name:

***Total Amount Claimed:**

10000000

Format: Do not include "\$" or ",".

Date September 26, 2018

State of New York
County of **BRONX**

I, Henry Bannister, being duly sworn depose and say that I have read the foregoing NOTICE OF CLAIM and know the contents thereof: that same is true to the best of my own knowledge, except as to the matter here stated to be alleged upon information and belief, and as to those matters. I believe them to be true.

Sworn before me this day 26th Sept 2018

Signature of Claimant

* Denotes required field(s).

Signature of notary

OKON JAKPAH
Notary Public, State of New York

No. 01AK6161518

Qualified in Queens County

Commission Expires February 26, 2019

Page 5 of 5

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes X No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? While at 1500 Hazen, Str. E. Elmhurst, NY. 11370, North Infirmiry Command (NIC)

1. Which claim(s) in this complaint did you grieve? IV Amendment Constitutional Violations, as well as Unlawful Arrest (see Exhibit 2)

2. What was the result, if any? That it is not under the purview of Grievance to provide monetaty compensation. Grievant was advised to file a Personal Injury Claim (see Exhibit 2)



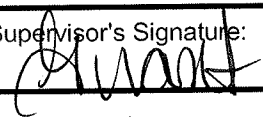
3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. there was no additional steps taken based on that mentioned in the above (see attached). However, the grievance was given a claim number. (see Exhibit 2) in reference to the grievance matter. However, the claimant was further advised to file a Personal Injury Claim, which was done (see Exhibit 2)



F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: no, I have

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

Exhibit #2

	CITY OF NEW YORK - DEPARTMENT OF CORRECTION	
INMATE GRIEVANCE AND REQUEST PROGRAM		Form: # 7102R Eff.: 09/10/12 Ref.: Dir. #3376
DISPOSITION FORM		
Grievance/Request Reference #: BANNISTER, HENRY #1131601091	Date Filed: 9/21/18	Facility: NIC- ANNEX DORM 3
Title of Grievance or Request: NON-GRIEVABLE: OTHER TIMELINESS	Category: 16	
From IGRP Inmate Statement Form, print or type short description of request/grievance: <u>GRIEVANT STATES: IT IS THE</u> <u>CONTENTIONS OF THE PETITIONER REFLECTED IN THE OPENING CAPTION OF THIS GRIEVANCE, WHOM</u> <u>WISHES TO COMMENCE A CIVIL ACTION AGAINST THE NEW YORK CITY POLICE DEPT. (NYPD), 83RD PRECIENT</u> <u>(480 KNICKERBOCKER AVE, BKLYN, N.Y 11221), ANTI CRIME UNIT. FOR THE FOLLOWING BAD ACTS- PLEASE</u> <u>SEE ATTACHED</u> 		
Action Requested by Inmate: <u>FOR THE PAY OF \$50,000,000.00 IN MONETARY DAMAGES TO THE PLAINTIFF, FOR</u> <u>THE IV AMENDMENT CONSTITUTIONAL VIOLATIONS, AS THE RESULT OF THE UNLAWFUL ARREST, BY NYPD</u> <u>OFFICERS OF THE 83RD PRECIENT (P.O MARVIN LUIS, P.O RYAN GIUFFRE) AS WELL AS THEIR RESIGNATION</u> <u>FOR CHARGES OF PERJURY AND ILLEGAL SEARCH AND STOP.</u> 		
STEP 1: INFORMAL RESOLUTION		
Check one box: <input type="checkbox"/> Grievance <input type="checkbox"/> Request <input checked="" type="checkbox"/> Submission not subject to the IGRP process. The Inmate Grievance and Request Program proposes to informally resolve your grievance or request as follows below. Alternatively, IGRP staff shall provide an explanation for why the submission is not subject to the IGRP process. <u>ON 9/24/18 GRIEVANT WAS INFORMED THAT IT IS NOT UNDER THE PURVIEW OF GRIEVANCE TO PROVIDE</u> <u>MONETARY COMPENSATION. GRIEVANT WAS ADVISED TO FILE A PERSONAL INJURY CLAIM (CLAIM FORM WAS</u> <u>PROVIDED).</u> 		
Are you satisfied with the proposed resolution? <input type="checkbox"/> Yes, I accept the resolution. <input type="checkbox"/> No I request a formal hearing of the Inmate Grievance Resolution Committee within 5 business days from notification of the proposed resolution. I understand that if my submission involves a request to exercise religious beliefs or practices not currently available, then the Committee on Religious Accommodations will review my request		
Inmate's Signature:	Date:	Grievance Supervisor's Signature: 
		Date: <u>9/24/18</u>

	<h2 style="margin: 0;">CITY OF NEW YORK - DEPARTMENT OF CORRECTION</h2>	
INMATE GRIEVANCE AND REQUEST PROGRAM		Form: # 7102R Eff.: 09/10/12 Ref.: Dir. #3376
DISPOSITION FORM		Attachment - C

If this is a submission not subject to IGRP process, DOC Grievance Supervisor must choose its category and write down the next steps for the inmate.

<input type="checkbox"/> Staff-on-inmate non-sexual assault (use of force) allegation <input type="checkbox"/> Staff-on-inmate sexual assault/abuse allegation <input type="checkbox"/> Staff-on-inmate non-sexual harassment <input type="checkbox"/> Inmate-on-inmate non-sexual assault allegation <input type="checkbox"/> Inmate-on-inmate sexual assault/abuse allegation <input type="checkbox"/> Inmate-on-inmate non-sexual harassment allegation <input type="checkbox"/> Status as an intended contraband recipient, enhanced restraint, Red ID, or centrally monitored case inmate	<input type="checkbox"/> Medical staff, e.g., complaints regarding quality of care, request for second medical opinion <input type="checkbox"/> Mental health staff, e.g., complaints regarding quality of care, request for second medical opinion <input type="checkbox"/> Request for protective custody (fear for safety) <input type="checkbox"/> Request for accommodation due to disability <input type="checkbox"/> Inmate disciplinary process and dispositions <input type="checkbox"/> Freedom of Information law request <input checked="" type="checkbox"/> Other
--	--

Next steps:	Date of Deadline for Status Update from Relevant Entity:
-------------	--

Inmate's Signature:	Date:	Grievance Supervisor's Signature:	Date:
		<i>[Signature]</i>	9/24/18

STEP 2: FORMAL HEARING OF INMATE GRIEVANCE-RESOLUTION COMMITTEE

Formal Hearing Disposition: _____

Date returned to inmate: _____ IGRC Members Signatures: _____

Please decide within five business days of receipt whether to appeal (Check one box below.)

☐ Yes, I agree with the IGRC hearing disposition.

☐ No, I disagree with the IGRC hearing disposition and seek to appeal to the Commanding Officer.

Inmate's Signature:	Date:	Grievance Supervisor's Signature:	Date:

STEP 3: APPEAL TO THE COMMANDING OFFICER

Grievance Supervisor must check only one box below.

☐ Grievance forwarded to the Commanding Officer for action upon IGRC recommendation.

☐ Grievance not forwarded to the Commanding Officer (explain): _____

Grievance Supervisor's Signature:	Date:

Form: #7101R, Eff: 09/10/12, Ref.: Dir. #3376 - page 1

City of New York - Department of Correction

INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

Inmate's Name: Henry Bannister	Book & Case #: 113-160-1091	NYSD # (optional): 04982239P	
Unit: NIC	Branching Area: D3	Date of Incident: May 24, 2016	Date Submitted: 9/19/18

All grievance and requests must be submitted within ten business days after the incident occurred, unless the condition or incident is general. The inmate filing the grievance or request must personally prepare this statement. Upon collection by Inmate Grievance and Request Program staff, it shall be time-stamped and issue it a grievance/request reference number. IGRP staff shall provide the inmate with a copy of the statement and a record of receipt within two business days of receiving it.

Request or Grievance: **It is the contentions of the Petitioner reflected in the opening caption of this Grievance, whom wishes to commence a civil action against the New York City Police Dept (NYPD), 83rd Precinct (480 Knickerbocker Ave, BKLYN, N.Y., 11221), Anti Crime Unit. for the following bad acts- please see attached**

Action Requested by Inmate

For the payment of \$50,000,000.00 in monetary damages to the plaintiff, for the IV Amendment Constitutional violations, as the result of the unlawful arrest, by NYPD officers of the 83rd Precinct (P.O. marvin Luis; P.O. Ryan Giuffre) as well as their resignation for charges of perjury and illegal search and stop

Please read below and check the correct box:

Do you agree to have your statement edited for clarification by IGRP staff?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you need the IGRP staff to write the grievance or request for you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you filed this grievance or request with a court or other agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did you require the assistance of an interpreter?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Inmate's Signature:

Date of Signature:

9/19/18

For DOC Office Use Only

IGRP RETAINS THE DOUBLE-SIDED ORIGINAL FOR ADMINISTRATIVE RECORDS.
IGRP MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

Time Stamp below:

Grievance and Request Reference #:

Category:

UG 118 #153138**Other/ 16-Timeliness**

Inmate Grievance and Request Program Staff's Signature:

113-160-1091
2018 SEP 21 12:30 PM

when and how, and their response, if any: _____

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. A Personal Injury Claim, was filed with NYC Comptrollers Office, and given a Claim No: 2018PI028368 (see Exhibit 2)

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). The Plaintiff is requesting that Criminal Misdemeanor charges be formally filed against the arresting officers (P.O. Marvin Luis, Ryan Giuffre) at the Kings County Criminal Court-house and charged with perjury, based upon their false testimony reflected within their felony complaint, police records and Court proceedings.

Also does the Plaintiff request Punitive Damages to the amount of:
\$ 1,000,000.00

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes X No _____

On
these
claims

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Henry Bannister

Defendants P.O. Marvin Luis, P.O. Ryan Giuffre

2. Court (if federal court, name the district; if state court, name the county) Kings County Supreme Court (Civil Term)

3. Docket or Index number 2452/17

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit September 8, 2017 (see Exhibits # 3,4,)

6. Is the case still pending? Yes X No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No X

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

Supreme COURT, COUNTY OF King
 Index No: 2452 / 17 Date Index Issued: 9/11/17

CAPTION:

Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

HENRY BANNISTER

Plaintiff(s)/Petitioner(s)

-against-

CITY OF NEW YORK POLICE DEPARTMENT, 83rd
 PRECINCT and THE DISTRICT ATTORNEY'S
 OFFICE, KINGS COUNTY

REDUCED FEE

Defendant(s)/Respondent(s)

For Court Clerk Use Only:

IAS Entry Date

Judge Assigned

RJI Date

2017 SEP -8 AM 11:28

KINGS COUNTY CLERK
FILED**NATURE OF ACTION OR PROCEEDING:**

Check ONE box only and specify where indicated.

MATRIMONIAL☐ Contested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**.
 For Uncontested Matrimonial actions, use RJI form UD-13.

TORTS☐ Asbestos☐ Breast Implant☐ Environmental: _____

(specify)

☐ Medical, Dental, or Podiatric Malpractice☐ Motor Vehicle☐ Products Liability: _____

(specify)

☐ Other Negligence: _____

(specify)

☐ Other Professional Malpractice: _____

(specify)

☐ Other Tort: _____

(specify)

OTHER MATTERS☐ Certificate of Incorporation/Dissolution [see NOTE under Commercial]☐ Emergency Medical Treatment☐ Habeas Corpus☐ Local Court Appeal☐ Mechanic's Lien☐ Name Change☐ Pistol Permit Revocation Hearing☐ Sale or Finance of Religious/Not-for-Profit Property☒ Other: CPLR Art. 13 and CPLR 7101

(specify)

COMMERCIAL☐ Business Entity (including corporations, partnerships, LLCs, etc.)☐ Contract☐ Insurance (where insurer is a party, except arbitration)☐ UCC (including sales, negotiable instruments)☐ Other Commercial: _____

(specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.

REAL PROPERTY: How many properties does the application include?☐ Condemnation☐ Mortgage Foreclosure (specify): _____☐ Residential☐ Commercial

Property Address: _____

NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.

☐ Tax Certiorari - Section: _____ Block: _____ Lot: _____☐ Tax Foreclosure☐ Other Real Property: _____

(specify)

SPECIAL PROCEEDINGS☐ CPLR Article 75 (Arbitration) [see NOTE under Commercial]☐ CPLR Article 78 (Body or Officer)☐ Election Law☐ MHL Article 9.60 (Kendra's Law)☐ MHL Article 10 (Sex Offender Confinement-Initial)☐ MHL Article 10 (Sex Offender Confinement-Review)☐ MHL Article 81 (Guardianship)☐ Other Mental Hygiene: _____

(specify)

☐ Other Special Proceeding: _____**STATUS OF ACTION OR PROCEEDING:**

Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?

Has a summons and complaint or summons w/notice been served?

Is this action/proceeding being filed post-judgment?

YES

NO

☐☒

If yes, date filed: _____

☐☒

If yes, date served: _____

☐☒

If yes, judgment date: _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS : CIVIL TERM PART
-----x

HENRY BANNISTER,

Plaintiff,

-against-

CITY OF NEW YORK POLICE DEPARTMENT, 83rd
PRECINCT AND THE DISTRICT ATTORNEY'S
OFFICE, KINGS COUNTY

SUMMONS

Index No. 2452/17

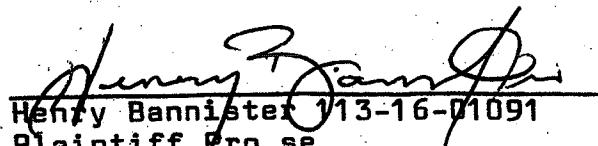
Defendant(s).
-----x

To the above-named defendant(s):

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is that the action arose in the confines of Kings County.

Dated: MAY 20, 2016


Henry Bannister 113-16-01091
Plaintiff pro se
1500 Hazen Street
East Elmhurst, New York 11370

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS : CIVIL TERM PART
-----x

HENRY BANNISTER,

Plaintiff,

-against-

COMPLAINT PURSUANT
TO C.P.L.R. 7101

Index No. 2452/17

CITY OF NEW YORK POLICE DEPARTMENT, 83rd
PRECINCT and THE DISTRICT ATTORNEY'S
OFFICE, KINGS COUNTY,

Defendant(s).
-----x

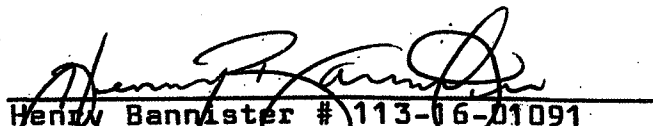
Plaintiff, Henry Bannister, proceeding Pro se, complaining of the
defendant, alleges:

1. At the time of commencement of the above-entitled action, and
at all times hereinafter mentioned, plaintiff was and still is the
owner and is entitled to the immediate possession of chattel in the
form of U.S. Currency.
2. The value of the aforesaid chattel is \$ 22,091.00 (Twenty-two
Thousand and Ninety-one Dollars Zero Cents).
3. On 05/25/2016, the defendant wrongfully took the aforesaid
chattel from the plaintiff and has ever since wrongfully detained
it and still detains it as follows: upon a claim of "forefeit-
ure" as "proceeds of narcotics trafficking", a crime for which Plain-
tiff has not been charged. (See, NYDPETS, Property Clerk Invoice(s)
attached hereto and marked EXHIBIT(S) A & B) That moreover, said
forefeiture is not of the type authorized by CPLR art 13. (See, CPLR
§§ 1310[4-b]; 1311[1]).
4. By reason of such wrongful taking and detention, the plaint-
iff has sustained damages in the amount of \$ 22,091.00 (Twenty-two
Thousand, Ninety-one Dollars and Zero Cents).

COMPLAINT CPLR § 7101 Cont.

(2)

WHEREFORE, plaintiff demands judgment against defendant(s) adjudging that plaintiff is the owner and is entitled to the immediate possession of the aforesaid chattel and that the chattel be delivered to the plaintiff and in case possession thereof cannot be given to the plaintiff, that plaintiff has judgment against the defendant for the sum of \$22,091.00 with interest thereon from the 25th day of May, 2016 (05/25/16), and for such other and further relief as may be just and proper together with costs and disbursements of this action.


Henry Bannister # 113-16-01091
Plaintiff Pro se
N.I.C.
1500 Hazen Street
East Elmhurst, New York 11370

NYPDPETS
Property Clerk Invoice
Invoice No. 3000670689

(EXHIBIT "A")

Dated: 05/25/2016

Fax: 7185741823

May 25 2016 11:08am

P024


NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)
Invoice No. **3000670689**Involving Command
83RD PCT.

Invoice Status

OPENInvoice Date
05/25/2016Property Type
CURRENCY.Property Category
FORFEITURE

Officers	Rank	Name	Tax No.	Command	
Involving	POM	LUIS, MARVIN	950787	83RD PRECINCT	OCME, EU No
Arresting	POM	GIUFFRE, RYAN	949032	83RD PRECINCT	OCME, FB No.
Investigating	N/A				Police Lab Evid. Ctr. No
Det Squad Supervisor	N/A				Det Sq. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	Cash	PETS No.	Pkn. QTY	Disposition
1	20	CASH USC \$100 BILL	2000.00	42976374	20	
2	2	CASH USC \$50 BILL	100.00	42976374	2	
3	895	CASH USC \$20 BILL	17900.00	42976374	895	
Total Cash Value			20000.00			

REMARKS:
950787 05/25/2016 04:30 : ABOVE USC TO BE PROCEEDS OF NARCOTICS TRAFFICKING. LOG NUMBER 16-0968

950787 05/25/2016 04:37 : ABOVE USC TO BE PROCEEDS OF NARCOTICS TRAFFICKING. LOG # 16-0968

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
05/24/2016	26502/CRIM POSS WEAPON	FELONY	N/A	REFUSED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSID No
1 BANNISTER, HENRY	11/12/1966	49	169 HIDDEN HILL ROAD, SPARTANBURG, SC	K16638615	04982239P
2 CANTY, TYSHAUN	12/27/1991	24	606 CARLIE CAMBLE LANE, SPARTANBURG, SC	K16638625	13497918Y

Name	Tax No.	Address	Phone No
------	---------	---------	----------

Finder(s)
Owner(s) **BANNISTER, HENRY** 169 HIDDEN HILL ROAD, SPARTANBURG, SC
Complainant(s) **PSNY**

Complaint No. **2016-083-03235**
Related Comp No.(s) **2016-083-03239**
Aided/Accident No.(s) **N/A**
Related Invoice(s) **N/A**

Invoice No. **3000670689**

Arresting Officer Copy

printed: 05/25/2016 04:38

PCD Storage No. --

Page No 1 of 2

HENRY BANNISTER 4562/2016.33

**NYPDPETS
Property Clerk Invoice
Invoice No. 3000670690**

(EXHIBIT "A")

Dated: 05/25/2016

Fax: 7185741823

May 25 2016 11:07am

P018



NYPD PETS PROPERTY and EVIDENCE TRACKING SYSTEM **Property Clerk Invoice** PD 521-141 (Rev. 11/09)



Invoice No. 3000670690

Invoice Status
OPENProperty Category/
FORFEITUREInvoicing Command
83RD PCT.Invoice Date
05/25/2016Property Type
CURRENCY

Officers	Rank	Name	Tax No.	Command	OCME, EU No.
Invoicing	POM	GIUFFRE, RYAN	949032	83RD PRECINCT	OCME, FB No.
Arresting	POM	GIUFFRE, RYAN	949032	83RD PRECINCT	Police Lab Evid. Ctrl. No.
Investigating	N/A				Det Sqd Case No. N/A
Det Squad Supervisor	N/A				CSU/ECT Run No. N/A
CSU/ECT Processing	N/A				

Item	Total QTY	Article(s)	Cash	PETS No.	Pkg. QTY	Disposition
1	1	CASH USC \$1 BILL	1.00	43411856	1	
2	16	CASH USC \$100 BILL	1600.00	43411856	16	
3	6	CASH USC \$50 BILL	300.00	43411856	6	
4	2	CASH USC \$5 BILL	10.00	43411856	2	
5	9	CASH USC \$20 BILL	180.00	43411856	9	
Total Cash Value			2091.00			

REMARKS:
949032 05/25/2016 04:36 : ABOVE USC IS PROCEEDS OF NARCOTICS TRAFFICKING LOG NUMBER 16-0968

Date Of Incident	Panel Code/Description	Crime Classification	Related To	Receipt
05/24/2016	26502/CRIM POSS WEAPON	FELONY	N/A	REFUSED

Prisoner(s) Name	DOB	Age	Address	Arrest No./Summons No.	NYSID No.
1 BANNISTER, HENRY	11/12/1966	49	169 HIDDEN HILL ROAD, SPARTANBURG, SC	K16638615	04982239P
2 CANTY, TYSHAUN	12/27/1991	24	606 CARLIE CAMBLE LANE, SPARTANBURG, SC	K16638625	13497919Y

Name	Tax No.	Address	Phone No.
BANNISTER, HENRY		169 HIDDEN HILL ROAD, SPARTANBURG, SC	

Finder(s)	Owner(s)	Complainant(s)	Complaint No.	Related Comp No.(s)	Aided/Accident No.(s)	Related Invoice(s)
	BANNISTER, HENRY	PSNY	2016-083-03235	N/A	N/A	N/A

PCD Storage No. —



Invoice No. 3000670690

Arresting Officer Copy
printed: 05/25/2016 04:44

Page No. 1 of 2

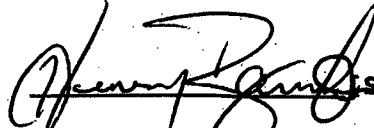
HENRY BANNISTER 4562/2016 27

VERIFICATION

I HENRY BANNISTER

, being duly sworn, deposes and
says:

I am the **Plaintiff** ~~XXXXXXXXXX~~. I have read the foregoing **Complaint** ~~XXXXXX~~ and
know the contents thereof. The same are true to my knowledge,
except as to matters therein stated to be alleged on information
and belief and as to those matters I believe them to be true. To
the best of my knowledge, information and belief, formed after an
inquiry reasonable under the circumstances, the presentation of
these papers or the contentions therein are not frivolous as
defined in subsection (c) of section 130-1.1 of the Rules of the
Chief Administrator (22 NYCRR).

 [SIGNED]
Henry Bannister [TYPED]
113-16-01091

Sworn to before me this

10 day of June, 2017.


Notary Public **OKON AKPAN**
Notary Public, State of New York
No. 01AK6161518
Qualified in Queens County
Commission Expires February 26, 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS : CIVIL TERM PART

-----x
HENRY BANNISTER,

Plaintiff,

-against-

CITY OF NEW YORK POLICE DEPARTMENT, 83rd
PRECINCT and THE DISTRICT ATTORNEY'S
OFFICE, KINGS COUNTY,

Defendant(s).

AFFIDAVIT IN SUPPORT
OF MOTION FOR
PERMISSION TO PROCEED
AS A POOR PERSON

Index No. 2452/17

-----x
STATE OF NEW YORK)
)ss.;
COUNTY OF THE BRONX)

Henry Bannister, being duly sworn, deposes and says:

1. I reside at the North Infirmery Command, 1500 Hazen Street, East Elmhurst, New York 11370, County of the Bronx, City of Queens, State of New York.
2. I am presently confined on Riker's Island under the care, custody and control of the City of New York Corrections Department receiving only no more than \$ 25.00 per week from my inmate job assignment. That I have only \$ 88.00 at the time of this application.
3. I am unable to pay the costs, fees, and expenses necessary to prosecute the action herein after proposed.
4. I intend to commence an action against the City of New York Police Department, 83rd Precinct (Property Clerk) and The District Attorney's Office of Kings County, in the nature of "Return of Chattel" Complaint pursuant to CPLR § 1701 and 1702.
5. That on 05/25/2016, the Defendant(s) wrongfully took, confiscated, and wrongfully detained and still detains "chattel" in the form of United States Currency in the amount of \$ 22,091.00 upon

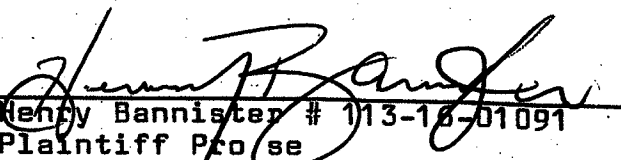
AFFIDAVIT, POOR PERSON Cont.

(2)


a claim of "forefeiture" as "proceeds of narcotics trafficking" for which your affiant has not been charged and for which, the crime that this affiant is charged is not of the type authorized for forefeiture by CPLR art 13. (See, CPLR §§ 1310[4-b]; 1311[1]).

6. No previous application for the relief herein prayed for has been made.

WHEREFORE, deponent respectfully asks for an order pursuant to C.P.L.R. 1101 granting him permission to proceed as a poor person in an action against the City of New York Police Department 83rd Precinct and the District Attorney's Office of Kings County for judgment pursuant to CPLR §§ 1701 and 1702, in the nature of "Return of Chattel" and permitting him to do so Pro se in personam for the prosecution of that action, or in the alternative, assigning counsel for the same.


Henry Bannister # 113-18-01091
Plaintiff Pro se
North Infirmary Command
1500 Hazen Street
East Elmhurst, New York 11370

Sworn to before me this
10th day of June, 2017.


Notary Public
OKON JAKPAN
Notary Public, State of New York
No. 01AK6161518
Qualified in Queens County
Commission Expires February 26, 2019

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss:

COUNTY OF KINGS)

Henry Bannister

, being duly sworn, deposes and says:

That I have on this 18th day of September, 2017, placed and submitted in the postal receptacle in the New York City Correctional Facility known as North Infirmery Command, 1500 Hazen Street, East Elmhurst, NY 11370 a ~~XXXXXX~~
SUMMONS AND COMPLAINT, Pursuant to CPLR ART.13 and ART. 71, to be duly mailed via the United States Postal Service to the following parties in the above action:

(A.D.A.) Ms Krystyn Tandy
District Attorney's Office

Kings County
350 Jay street

BKLYN, NY., 11201 - 2908

83rd Precient (Property Clerk)
480 Knickerbocker Ave.
BKLYN, NY., 11221

N.Y.P.D. (Property Clerk)

Kings County

11 York str.,

BKLYN, NY., 11201

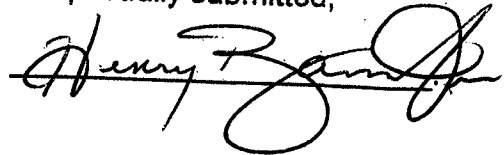
SUPREME COURT/KINGS COUNTY
CIVIL PART TERM

320 Jay str

BKLYN, NY, 11201

Harold C. Baker (18B)
32 court str.,
(suite 507)
BKLYN, NY, 11201

Respectfully submitted,



Sworn to before me this

15 day of Sept, 2017

NOTARY PUBLIC

OKON JO AKPAN
Notary Public, State of New York
No. 01AK6161518
Qualified in Queens County
Commission Expires February 26, 2019

At IAS Part 72 of the Supreme Court of the State of New York, held in and for the County of Kings at the Courthouse thereof, 360 Adams Street, Brooklyn, New York, on the _____ day of _____, 20____.

PRESENT: HON. _____
Justice of the Supreme Court

Henry Bannister

[Fill in Name(s)]

Petitioner(s) / Plaintiff(s)

-against-

City of New York Police Department,
Precinct and the District Attorney's Office,
Kings County

[Fill in Name(s)]

Respondent(s) / Defendant(s)

ORDER

Inmate Reduced Filing Fee
Application CPLR 1101 (f)

Index # 2452 / 17

DIN # 113-1601091

ORI # NY023015J

Nature of action/proceeding: civil action

Upon the reading and filing of the affidavit dated 8/5/2017 pursuant to CPLR 1101(f) requesting a reduced filing fee made by inmate, Henry Bannister who being a federal /state /local inmate under sentence for conviction of a crime and having made application pursuant CPLR 1101 poor person status in the above captioned action/proceeding it is:

ORDERED, that the application is:

☐ **DENIED** and, as required by section 1101 of the CPLR, all applicable filing fees in the action/proceeding must be paid within 120 days of the date of this Order, or else the action/proceeding shall be deemed dismissed without further order of the Court and if the inmate fails to do so the Clerk of the Court is directed to close the file without further judicial action.

☒ **GRANTED** and, the applicant/inmate is directed to pay a reduced filing fee of \$ 15- and he or she shall be liable for no other fees in the action/proceeding before this Court unless a recovery by judgment or by settlement is had in his or her favor in which event the Court may direct him or her to pay out of the recovery all or part of such fees as are hereby forgiven.

KINGS COUNTY CLERK
RECEIVED
2017 SEP -8 AM 11:08

ORDERED, that:

- ☐ The Court having found that the applicant/inmate can reasonably afford same, the applicant/inmate IS REQUIRED to make an initial payment of \$ 0 of the reduced filing fee required hereunder; and that, once such initial payment is fully received by the Court, the amount of the difference between such initial payment and the reduced filing fee required hereunder, or \$ _____, shall be assessed as an outstanding obligation of the applicant/inmate and reported to the Superintendent or other public official in charge of the facility where the applicant/inmate is confined, who shall collect such amount from the applicant/inmate in the same manner as mandatory surcharges are collected pursuant to section 60.35(5) of the Penal Law.
- ☒ The Court having found that exceptional circumstances render the applicant/inmate unable to pay any filing fee at this time, the applicant/inmate IS NOT REQUIRED to make any initial payment to the Court of a portion of the reduced filing fee required hereunder; and that the full amount of the filing fee required hereunder, or \$ 15.00, shall be reported to the Superintendent or other public official in charge of the facility where the applicant/inmate is confined, who shall collect such amount from the applicant/inmate in the same manner as mandatory surcharges are collected pursuant to section 60.35(5) of the Penal Law.

☐

ENTER
HON. ELLEN M. SPODEK
JSC

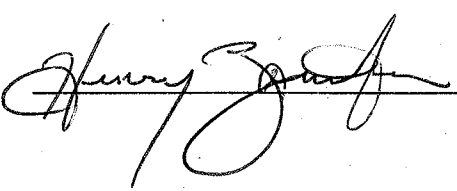
I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of November, 2018

Signature of Plaintiff Henry Bannister
Inmate Number 113-16-01091
Institution Address North Infirmary Command (N.I.C.,
annex); secondary address: 300
Leland, Str., (apt.# 17),
Spartanburg, SC. 29303

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 23 day of Nov, 2018 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: 

RECEIVED
JUDICIAL DOCKET UNIT
2018 DEC 10 PM 4:08

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss:

COUNTY OF Bronx)

Henry Bannister, being duly sworn, deposes and says:

That I have on this 23rd day of November, 2018, placed and submitted in the postal receptacle in the New York City Correctional Facility known as North Infirmary Command, 1500 Hazen Street, East Elmhurst, NY 11370 a Notice of 1983 COMPLAINT under the Civil Rights Act, 42 U.S.C. §, to be duly mailed via the United States Postal Service to the following parties in the above action:

P.O. Marvin Luis

P.O. Ryan Giuffre

P.O. John Bartek

P.O. Bias Colon

P.O. Thomas Rodriguez

P.O. John Doe

NYPD Commissioner

Deputy Commissioner

Acting NYPD Supervisor

Leutenant of 83rd Precient:

All mentioned in the above

are being sued in official &
individual capacity (Injunctive
declaratory relief requested).

Respectfully submitted,



Sworn to before me this
day of November, 2018

NOTARY PUBLIC

OKON J AKPAN
Notary Public, State of New York
No. 01AK61618
Qualified in Queens County
Commission Expires February 26, 2019

RECEIVED
APPENDIX
OF CONTENTS
2018 DEC 10 PM 4:07

1. Missive to Pro se, Clerk of Court, dated 11-22-18
2. UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK/Prisoner Authorization and Complaint under the Civil Rights Act, 42 U.S.C. § 1983 (Prisoner Complaint), pages 1-7, (attachments to pages 1,2,).
3. Page 3, initial Statement of Facts, filed with the City of New York Office of The Comptroller, which illustrates only the date and time, and which was followed with a letter from the Office of the Comptroller, send to the complaintant dated 10-03-18, for defective service. However, after the complaintant received said Office reply did said complaintant correct the mistake by providing said office with a certified copy of his complaint, which was then excepted by Office of the Comptroller and given a Claim No., and dated 10-31-18.
4. Page 4, is followed by Exhibit 2, evidence provided in support of claim. (Department Of Correction/Grievanc, dated 9-24-18).
5. Page 6, section (B), is followed by Exhibits 3,4,
6. Next, the Civil Action is followed by the Complaintants Application For The Court To Request Pro Bono Counsel, as well as a attachment to page 1 (A) (B).
7. Is a notarized Affidavit Of Service.

Mr. Henry Bannister
DIN. NO. # 113-160-1091/D3
NIC
1500 Hazen, Str.
E. Elmhurst, N.Y.
11370

USNY
SDNY

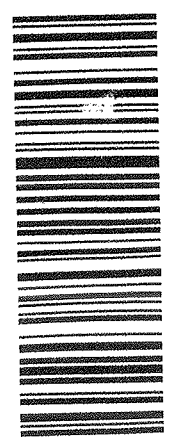
Pro se
Clerk Of Court
United States District Court
Southern District
500 Pearl Street
New York, N.Y., 10007



1000

10007-1316

U.S. POSTAGE PAID
FOM LG ENV
EAST ELMHURST, NY
11369
DEC 97, 18
AMOUNT
\$9.30
R2305K138687-14



CERTIFIED MAIL

7018 0680 0001 7126 6517

RECEIVED
SDNY DOCK
10 DEC 10 PM 4:08